

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 COURTNEY MOTLEY,

4 Plaintiff

Case No. 3:20-cv-00056-MMD-CLB

5 v.

6 STATE OF NEVADA, *et al.*,

7 Defendants

ORDER

8
9 **I. DISCUSSION**

10 Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections
11 ("NDOC"), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has
12 filed an application to proceed *in forma pauperis*. (ECF Nos. 1, 1-1).

13 Plaintiff's application to proceed *in forma pauperis* is incomplete. Pursuant to 28
14 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to
15 proceed *in forma pauperis* on this Court's approved form and attach both an inmate
16 account statement for the past six months and a properly executed financial certificate.
17 Plaintiff has not submitted an application to proceed *in forma pauperis* on this Court's
18 approved form. (See ECF No. 1). As such, the *in forma pauperis* application is denied
19 without prejudice. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but
20 will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will be
21 granted an opportunity to cure the deficiencies of his application to proceed *in forma*
22 *pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to
23 file a new application to proceed *in forma pauperis* he must file a fully complete application
24 to proceed *in forma pauperis*.

25 **II. CONCLUSION**

26 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed
27 *in forma pauperis* (ECF No. 1) is DENIED without prejudice to file a new application.

28 IT IS FURTHER ORDERED that the Clerk of the Court WILL SEND Plaintiff the

1 approved form application to proceed *in forma pauperis* by a prisoner, as well as the
2 document entitled information and instructions for filing an *in forma pauperis* application.

3 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
4 Plaintiff will either: (1) file a fully complete application to proceed *in forma pauperis*, on
5 the correct form with complete financial attachments in compliance with 28 U.S.C. §
6 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing
7 fee and the \$50 administrative fee).

8 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
9 dismissal of this action may result.

10 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
11 (ECF No. 1-1) but will not file it at this time.

12 DATED: January 29, 2020.

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14 UNITED STATES MAGISTRATE JUDGE
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